UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,955	09/15/2003	Syed Mohammad Amir Husain	5602-12200	1046

			EXAMINER
7590	10/12/2006		NGUYEN, NHA T

Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767

ART UNIT	PAPER NUMBER
2112	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *11/26/2004 and 08/16/2004*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are pending.

Specification

The word "translayed" on page 6 lines 29 was misspelled. The term XML was used in the specification but was not spell out as eXtensible Markup Language. The term API was used in the specification but was not spell out as Application Programming Interface, prior to use.

Information Disclosures

2.   IDS filed on *26 November 2004* and *16 August 2004* have been received and considered.

Claims Objection

Claims 7, 15, and 23 are objected to because the term XML was used but was not spell out as eXtensible Markup Language. Claim 17 is objected to because the term CPU was used but was not spell out as Central Processing Unit.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 2, 3, 10, 11, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "optionally" in the

claims are indefinite. The limitation should be interpreted as "and one or more

intermediary computer systems".

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-16 are nonstatutory because it recites carrier medium. The specification

define carrier medium as storage media or memory media such as magnetic or optical

media, e.g., disk or CD-ROM, as well as transmission media or signals such as

electrical, electromagnetic, or digital signals, conveyed via a communication medium

such as a network and/or a wireless link. This is nonstatutory because the carrier

medium included a signal.

Claims Objection

6.   Claims 7, 15, and 23 are objected to because the term XML was used but was

not spell out as eXtensible Markup Language. Claim 17 is objected to because the term

CPU was used but was not spell out as Central Processing Unit.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-6, 8, 9-14, 16, 17-22, and 24 are rejected under 35 U.S.C. 102(b) as

being anticipated by **Turpin** et al, (US Patent No. 6,144,992) hereinafter **Turpin**.

As per Claim 1, Turpin discloses a method comprising: receiving software at one

or more remote computer systems (See Turpin Abstract; Lines 5-13, Also see Col 7;

Lines 12-19); And

Receiving instructions for installing the software at the one or more remote

computer systems (See Turpin Col 3&4; Lines 65-67: 1-7), Wherein

The instructions for installing the software comprise one or more messages in a

portable format (See Turpin Col 5; Lines 22-25, " *Packet of data received...*"). Wherein

"*Packet of data*" is the "**portable format**" as claimed.

Translating the instructions for installing the software from the portable format to

an executable format at each of the one or more remote computer systems (See Turpin

Abstract; Lines 5-15, and Also See Turpin Col 5; Lines 19-25, "*Processed the*

data...data is to be processed") Wherein "*Processed the data*" is "**translating the**

instructions", Thereby

Generating executable instructions; and executing the executable instructions to install the software at each of the one or more remote computer systems (See Turpin Abstract; Lines 16-19 and Also Col 9; Lines 30-40).

As per Claim 2, the rejection of claim 1 is incorporated. Turpin discloses that the instructions are sent and received using peer-to-peer message passing between a first computer system, the one or more remote computer systems, and one or more intermediary computer systems (See Turpin Col 3&4; Lines 65-67: 1-7, Also see Col 7; lines 12-29, *"Data...from any computer"*; Also see Abstract; lines 8-13, "transfer data ... first system over computer network; Also see Col 7 & Fig 2; Lines Transferring data to and from the *network server* and from and to individual computers on network). Wherein *"Data"* is a "**message**". Wherein "network server" mentioned is the "intermediate computer" claimed.

As per Claim 3, the rejection of claim 1 is incorporated. Claim 3 is rejected under the same reason set forth in connection of the rejection of claim 2 and further Turpin discloses that software are sent and received (See Turpin Col 1, lines 10-14).

As per Claim 4, the rejection of claim 1 is incorporated. Turpin discloses receiving user input to record the instructions for installing the software (See Turpin Col 3&4; lines 65-67: lines 1-7, *"upon user command"*). Wherein *"upon user command"* is the "**receiving user input to record the instructions**".

As per claim 5, the rejection of claim 4 is incorporated. Claim 5 is rejected under the same reason set forth in connection of the rejection of claim 4.

As per claim 6, the rejection of claim 1 is incorporated. Turpin discloses the receiving of user input to select the one or more remote computer systems from a plurality of available computer systems (See Turpin Col 7, lines 19-25, " ***transferring to one or all of slave computers***") Wherein "***transferring to one or all of slave computers***" is the "**receiving of user input to select one or more remote computer systems**" as claimed.

As per claim 8, the rejection of claim 1 is incorporated. Turpin discloses that the instructions are received through a distributed computing infrastructure. (See Col 3-4: lines 66-67; lines 1-3, "***Over a network***"). Wherein "***Over a network***" is a "**distributed computing infrastructure**" as claimed.

Claims 9-14, and 16 are carrier medium claims corresponding to the method claim 1-6, and 8 respectively and are rejected under the same reason as set forth in connection of the rejection of claim 1-6, and 8 respectively and further Turpin discloses that the program instructions are computer-executable (See Turpin Col 5, lines 22-25 , "processed data received"). Wherein "***processed data received***" is the "**computer-executable instruction**".

Claim 17 is a system claim corresponding to the method of claim 1 and rejected under the same reason as set forth in connection of the rejection of claim 1 and further Turpin discloses a computer comprising of a CPU and memory (See Turpin Col 6; Lines 38-45, See Figure 1). Turpin also discloses first computer system and one or more remote computer systems are communicatively coupled via a network. (See Turpin Fig. 2).

As per claim 18, the rejection of claim 17 is incorporated. Claim 18 is a system claim corresponding to the method of claim 2 and rejected under the same reason as set forth in connection of the rejection of claim 2.

As per claim 19, the rejection of claim 17 is incorporated. Claim 19 is a system claim corresponding to the method of claim 3 and rejected under the same reason as set forth in connection of the rejection of claim 3.

As per claim 20, the rejection of claim 17 is incorporated. Claim 20 is a system claim corresponding to the method of claim 4 and rejected under the same reason as set forth in connection of the rejection of claim 4.

As per claim 21, the rejection of claim 20 is incorporated. Claim 21 is a system claim corresponding to the method of claim 5 and rejected under the same reason as set forth in connection of the rejection of claim 5.

As per claim 22, the rejection of claim 17 is incorporated. Claim 22 is a system claim corresponding to the method of claim 6 and rejected under the same reason as set forth in connection of the rejection of claim 6.

As per claim 24, the rejection of claim 17 is incorporated. Claim 24 is a system claim corresponding to the method of claim 8 and rejected under the same reason as set forth in connection of the rejection of claim 8.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 7, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin, (US Patent No. 6,144,992) hereinafter **Turpin**, in view of **Vigue** et al, (US Patent No. 6,983,326) hereinafter **Vigue**.

As per claim 7, the rejection of claim 1 is incorporated. Turpin did not disclose that the portable format comprises XML, and wherein the messages comprise XML messages. However, Vigue in an analogous art discloses the teaching of utilizing XML in messages (See Vigue Col 8; Lines 14-19, *"packet format....XML format"*). Wherein *"packet format"* is "**a message**" as claimed. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teaching of Turpin into the method of Vigue. The modification would have been obvious because one of the ordinary skill in the art would want to be able to utilize the messages format to provide the mark-up of sections in the message. This would allow for the flexibility in the displaying and presentation of data.

As per Claim 15, the rejection of claim 9 is incorporated. Claim 15 is a carrier medium claim corresponding to the method of claim 7 and rejected under the same reason as set forth in connection of the rejection of claim 7.

As per Claim 23, the rejection of claim 17 is incorporated. Claim 23 is a system claim corresponding to the method of claim 7 and rejected under the same reason as set forth in connection of the rejection of claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nha Nguyen whose telephone number is 703-272-1405. The examiner can normally be reached on M-F 7:30 - 5:00 PM EST. (Every other Friday OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das can be reached on 571-272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nha Nguyen
9/25/2006
A.U 2112

Chaml·C Das
CHAMELI DAS
SUPERVISORY PATENT EXAMINER
10/5/06